

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Howard E. Hilton et al.	Group Art Unit:	2611
Application No.:	09/846,138	Examiner:	Jason M. Perilla
Filed:	April 30, 2001	Confirmation No.:	7892
Subject:	Correction of Multiple Transmission Impairments		
Atty Docket No.:	10992825-1		

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT (37 CFR §1.181(a))

This paper is in response to a Notice of Abandonment mailed October 4, 2006.

The notice cites Applicant's failure to timely respond to an office action mailed March 21, 2005 as the reason for the abandonment.

The undersigned as attorney for the Assignee represents that the Assignee did not receive any non-final Office Action and therefore could not have been aware that a reply was due. Attached to this Petition is a copy of the Assignee's mail log showing no receipt of any non-final Office Action for the above application during the period March 21, 2005 to September 21, 2005, when it should reasonably have been received. A declaration from Jennifer Vise, Legal Program Specialist in Agilent's Intellectual Property Administration group, attesting the non-receipt of the Office Action, is included.

Inspection of the record for the above application in Public PAIR indicates that the image file wrapper does not contain the Office Action dated March 21, 2005, cited in the Notice of Abandonment, although the transaction history has an entry "Mail Notice of Informal or Non-responsive Amendment" dated March 21, 2005. Copies of the respective pages are attached. Applicant submits that the Office Action dated March 21, 2005 was not sent to Applicant.

With the submission of Agilent's mail log, affidavit and evidence from Public PAIR, Applicant contends the application is not abandoned and petitions for withdrawal of the holding of abandonment under 37 CFR §1.181(a), and re-issuance of the Office Action. No fee is payable in a 37 CFR §1.181(a) petition.

Respectfully submitted,

/Ian Hardcastle/
Ian Hardcastle
Reg. No. 34,075

Tel.: (408) 553-2715

Dated: May 4, 2007
IH/TMS

AGILENT TECHNOLOGIES, INC.
Legal Department, M/S DL 429
Intellectual Property Administration
P.O. Box 7599
Loveland, Colorado 80537-0599